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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,016	10/21/2003	Luciano Fenizia	FR920020060US1	4792

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IBM CORPORATION
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EXAMINER

WHIPPLE, BRIAN P

ART UNIT	PAPER NUMBER
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2196

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/690,016

Applicant(s)

FENIZIA ET AL.

Examiner

Brian P. Whipple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/17/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 are pending in this application and presented for examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 620 and 630 (Figure 6). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Page 3, line 21, it may have been intended for "form" to read as from in "protect media content files form piracy."

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4. Page 9, line 24, it may have been intended for "encryped" to read encrypted.
5. Page 12, line 21, it may have been intended for "510" to read as 520.
6. Page 13, lines 10-11, appears to reference step 550, but no mention is made to step 550. It may have been intended for (step 550) to appear at the end of the sentence.
7. Page 15, line 13, it may have been intended for "deletedes" to read as deletes.
8. Appropriate correction is required.

Claim Objections

9. Claims 3 and 5 are objected to for lack of antecedent basis:
 - a. "said encrypted media content file path," claim 3, line 6;
 - b. "said temporary metaile name," claim 5, line 5, it may have been intended for metaile to read metafile;
 - c. said "encrypted media content file path", claim 5, line 9.

Appropriate correction is required.

10. Claim 13, line 13, it may have been intended for "instrutions" to read as instructions. Appropriate correction is required.

11. Claim 13, line 19, it may have been intended for "instuctions" to read as instructions. Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 3, 5, 8, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. As to claim 3, lines 3-6, it is unclear if the media content file path is encrypted or unencrypted. Lines 3-4 reference an "unencrypted media content file path," but line 6 references "said encrypted media content file path." The examiner interpreted the media content file path as being unencrypted.

15. As to claim 5, line 9, it is unclear if the media content file path is encrypted or unencrypted. The examiner interpreted the media content file path as being unencrypted.

16. As to claim 8, lines 3-4, the meaning of "installing a media player program which is automatically activated upon reception of said temporary metafile name" is unclear.

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This could represent that the media player program is automatically installed upon reception of said temporary metafile name or that the program is already installed and then automatically activated upon reception of said temporary metafile name. The examiner interpreted "installing a media player program which is automatically activated upon reception of said temporary metafile name" as the automatic activation, upon reception of a temporary metafile name, of a previously installed media player program.

17. As to claim 11, lines 1-2, the meaning of "not apparent" is unclear. This term could merely represent the quality of security achieved by any standard encryption method or may refer to some alternative definition. The examiner interpreted any form of standard encryption as meeting this limitation.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claims 1, 4-9, and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Rouse, U.S. Publication No. 2003/0158816 A1.

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20. As to claim 1, Rouse discloses a method for providing a customer computer with access, through a network, to a media content file, (Abstract, lines 1-9) said method comprising the steps of:

opening a session with the customer computer ([0077], lines 1-6);

receiving from the customer computer a request to view a media content file (Figure 1, event 103; [0116], lines 1-5);

creating a temporary metafile having a temporary metafile name, said metafile containing a network address where said media content file can be obtained and an unencrypted file path leading to said media content file ([0116], lines 9-14; [0122], lines 1-9);

sending to the customer computer the temporary metafile name (Figure 2, event B, "web server sends webcast metafile back to subscriber"; [0062], lines 1-4; [0122], lines 1-9); and

canceling or deleting the metafile before or at the end of said session with the customer computer ([0125], lines 1-7).

21. As to claim 12, Rouse discloses a server for providing a customer computer with access, through a network, to a media content file, (Abstract, lines 1-12) said server comprising:

means for opening a session with the customer computer ([0077], lines 1-6);

means for receiving from the customer computer a request to view a media content file (Figure 1, event 103; [0116], lines 1-5);

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means for creating a temporary metafile having a temporary metafile name, said metafile containing a network address where said media content file can be obtained and an encrypted file path leading to said media content file ([0116], lines 9-14; [0122], lines 1-9);

means for sending to the customer computer the temporary metafile name (Figure 2, event B, "web server sends webcast metafile back to subscriber"; [0062], lines 1-4; [0122], lines 1-9); and

means for canceling or deleting the metafile before or at the end of said session with the customer computer ([0125], lines 1-7).

22. As to claim 13, Rouse discloses a computer program product for providing a customer computer with access, through a network, to a media content file, (Abstract, lines 1-12) said computer program product comprising:

a computer readable medium (Abstract, lines 9-12; it is inherent that the server upon which the invention is operating contains the computer readable medium);

first program instructions to open a session with the customer computer ([0077], lines 1-6);

second program instructions to receive from the customer computer a request to view a media content file (Figure 1, event 103; [0116], lines 1-5);

third program instructions to create a temporary metafile having a temporary metafile name, said metafile containing a network address where said media content file

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can be obtained and an encrypted file path leading to said media content file ([0116], lines 9-14; [0122], lines 1-9);

fourth program instructions to send to the customer computer the temporary metafile name (Figure 2, event B, "web server sends webcast metafile back to subscriber"; [0062], lines 1-4; [0122], lines 1-9); and

fifth program instructions to cancel or deleting the metafile before or at the end of said session with the customer computer ([0125], lines 1-7); and

wherein said first, second, third, fourth and fifth program instructions are recorded on said medium (Abstract, lines 9-12; it is inherent that the server upon which the invention is operating contains the computer readable medium).

23. As to claim 4, Rouse discloses the creating step further comprises the step of computing said metafile name based on characteristics of said customer session ([0127], lines 1-8).

24. As to claim 5, Rouse discloses said customer session was opened with an application server (Abstract, lines 1-12), and further comprising the following steps executed by the customer computer:

receiving said temporary metafile name (Figure 2, event B, "web server sends webcast metafile back to subscriber"; [0062], lines 1-4; [0122], lines 1-9);

using said temporary metafile name, requesting the temporary metafile from said application server ([0116], lines 1-5 and 9-14; [0122], lines 1-9);

sending a request to said network address to receive and play said media content file identified by said encrypted media content file name and encrypted media content file path (Figure 1, event 106; [0119], lines 1-10; [0122], lines 1-9); and receiving and playing the named media content file from said network address (Figure 1, event 107; [0119], lines 1-10; [0122], lines 1-9).

25. As to claim 6, Rouse discloses the following steps performed by a media content server having said network address: upon receipt of the encrypted file path, checking if said encrypted file path is a file path of an existing media content file accessible by the media content server, and if so, sending this media content file for playing to the customer computer (Figure 4, event C, "webcast server sends webcast stream to stream player"; [0122], lines 1-9).

26. As to claim 7, Rouse discloses said customer session is opened between said customer computer and an application server or a media content server ([0077], lines 1-6; [0088], lines 1-2; [0094], lines 1-7).

27. As to claim 8, Rouse discloses the following step performed by the customer computer:

installing a media player program which is automatically activated upon reception of said temporary metafile name to ([0116], lines 1-5 and 9-14; [0119], lines 1-10; [0122], lines 1-9; it is inherent that the media player must be installed prior to use):

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request the temporarily named metafile from an application server with which said session was opened ([0116], lines 1-5 and 9-14; [0122], lines 1-9);

send data, identifying said media content file, within said temporarily named metafile to said network address (Figure 1, event 106; [0119], lines 1-10; [0122], lines 1-9); and

receive and play said media content file received from said network address (Figure 1, event 107; [0119], lines 1-10; [0122], lines 1-9).

28. As to claim 9, Rouse discloses said temporary meta file name is sent to said customer computer within an HTML page ([0046], lines 1-4 and 6-13; [0050], lines 1-6; [0122], lines 1-9; the HTTP links are contained within HTML pages).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 2-3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rouse as applied to claim 1 above, in view of Miloushev et al. (Miloushev), U.S. Publication No. 2002/0120763 A1.

31. As to claim 2, Rouse discloses said temporary metafile also contains a name of said media content file ([0116], lines 9-14; [0122], lines 1-9).

Rouse does not disclose an encrypted name.

However, Miloushev does disclose an encrypted name ([0396], lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rouse by using encryption as taught by Miloushev in order to add further security (Miloushev, [0396], lines 3-5).

32. As to claim 3, Rouse discloses the step of said customer computer requesting said temporary metafile to learn the encrypted media content file name, unencrypted media content file path and said network address ([0116], lines 1-5 and 9-14; [0122], lines 1-9),

and said customer computer subsequently sending said encrypted media content file name and said encrypted media content file path to said network address (Figure 1, event 106; [0119], lines 1-10; [0122], lines 1-9).

33. As to claim 10, Rouse and Miloushev further disclose the step of determining an unencrypted name of said media content file by a naming convention applicable to other unencrypted media content file names available from said network address (Rouse, Abstract, lines 1-12; Miloushev, [0393], lines 7-12; [0396], lines 1-3; Rouse discloses determining a name of a media content file and other media content files available from a network address; Miloushev discloses a deencryption process for file names).

34. As to claim 11, Miloushev further discloses said naming convention is not apparent from encrypted names of said media content files ([0393], lines 12-14).

Contact Information

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Thu (7:30 to 5), Fri (7:30 to 4 or day off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571)272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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BPW

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12/08/06

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